

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1644 OF 2007

Mrs. Lathika Asokan

.. Petitioner

v/s.

The State of Maharashtra

.. Respondent

Mr. Niranjan Mundargi for the petitioner.

Mr. D.P. Adsule, APP for the State.

CORAM : B.H. MARLAPALLE, J.

DATED : 3RD SEPTEMBER,

2007

P.C.

Heard Mr. Niranjan Mundargi, the learned counsel for the petitioner and Mr. D.P. Adsule, the learned APP for the State.

2. The petitioner filed complaint being C.C. No.67/MISC/06 against 8 accused. Accused Nos.1,2,3 and 4 were the employees of the petitioner whereas accused No.5 is described as member of Lions Club of J.B. Nagar, Andheri (East), accused No.6 is the Assistant Commissioner of Labour, Mumbai, accused No.7 is again a private individual and accused No.8 is an advocate practising in the Labour Court at Mumbai. The complaint was filed for the offences punishable under sections 420, 379, 506(II) read with section 34 of I.P.C. It was alleged that on/or about 8.10.2002, the petitioner was forced to sign the consent terms by accused Nos.1 to 8 in the office of accused No.6 and thereafter, from 9.10.2002 to 5.12.2005, accused Nos.1 to 5 kept on threatening the petitioner as she has approached various authorities against the illegal

actions of the accused.

3. Under these circumstances, the petitioner approached the learned Metropolitan Magistrate by filing criminal complaint on or about 23.8.2006 and initially an order was passed under section 202 of the Criminal Procedure Code for enquiry in the matter. The enquiry report was submitted on 23.8.2006 and the learned Metropolitan Magistrate was pleased to dismiss the complaint under section 203 of the Criminal Procedure Code by his order dated 7.11.2006. Criminal Revision Application No.66 of 2007 was also filed against the order passed by the learned Metropolitan Magistrate and it was dismissed on 9.2.2007 by the learned Additional Sessions Judge, Greater Bombay.

4. As admitted by the petitioner herself, the alleged incident of forcing the petitioner to sign the consent terms in the office of accused No.6 had taken place on 8.10.2006 and the complaint was filed almost four years thereafter. The investigation report as placed before the learned Metropolitan Magistrate referred to the disputes between the parties including the petitioner having approached the Conciliation Officer under the Industrial Disputes Act, 1947. The learned Magistrate noted that the memorandum of settlement was signed by the petitioner on 8.10.2002 and that too in the office of the Assistant Labour Commissioner and in his presence and even in the presence of Union leaders.

5. Under these circumstances, no fault is found with the view taken by the learned Metropolitan Magistrate in dismissal of the complaint filed under section 203 of the Criminal Procedure code. Hence the petition is rejected summarily.

(B.H. MARLAPALLE, J.)